REMARKS

Restriction

Claims 1-6, and 19-21 stand restricted per a restriction. The Examiner states that Claims 7-15 are a distinct subcombination of claims 1-6, 19-21 because "the vacuum pressure can be recorded without storing the record of the pressure." Claim 7 has been amended to more clearly articulate the invention by pointing out that the invention applies particularly to vacuum devices that are enabled to couple to a fetus, as discussed in the specification at, for example, page 7, lines 10-16. Thus, amended claims 7-15 are a species of amended claim 1. Accordingly, the Examiner is respectfully requested to withdraw the restriction to claims 7-15. The claims 16-18 are restricted without traverse.

Declaration

The Examiner objects to the declaration. The Examiner states that the declaration is defective. However, Applicant respectfully draws the Examiner's attention to MPEP sections 602.01 and 602.02 which state that "[t]he mailing or post office address *should* include the ZIP code designation" [my emphasis]. "Should" invokes a suggested option (see, for example, the 2002 edition of the Webster's New World Dictionary). Thus, the use of the ZIP code designation is a discretionary option of the applicant, not a procedural requirement. In fact, an omission of a ZIP code is quite common, particularly for a foreign applicant who does not have a zip code. No greater burden should be placed on a US applicant. See MPEP 602.01 and 602.02. Accordingly, the Examiner is respectfully requested to withdraw the objection to the declaration. Nevertheless, should the Examiner desire an additional declaration, a supplemental declaration will be filed by the applicant per 37 CFR 1.63(c) and 37 CFR 1.76.

Drawings

Formal drawings have been submitted to the patent office. Should the Examiner fail to receive the formal drawings by the time a decision for allowance is made, please contact the attorney of record and copies of the formal drawings will be provided.

In the Specification

The specification will be amended per the Examiner's request upon identification of patentable subject matter. If possible, it is request that such amendment be made by an Examiner's amendment.

In the Claims

Claims 20 and 21 stand rejected under 35 USC 112. The Examiner states that the claims 20 and 21 improperly identify a trademark name in the claims. Claims 20 and 21 have been amended to more clearly state the use of an electric pump as described in the application on page 15, line 20, thus eliminating the use of the trademark name. Withdrawal of the objection to claims 20 and 21 under 35 USC 112 is respectfully requested.

The Examiner rejects claims 1-3, and 19 under 35 USC 102 as being anticipated by *Watabe*, which, by implication under 35 USC 102, is said to teach each and every element of the invention as taught by the Applicant in claims 1-3, and 19. *Watabe* teaches monitoring a vacuum in a silicon wafer processing system. Claim 1 has been amended to clarify the invention by more clearly defining that the vacuum device of amended claim 1 couples to a fetus, as discussed in the specification on, for example, page 7, lines 10-16. This clarification delineates the invention as claimed by the applicant in amended claim 1 (monitoring a vacuum maintained in the fetal-coupled devices) from the very different field of maintaining a vacuum in a vacuum chamber used to process silicon wafers as taught by *Watabe*. In fact, *Watabe* never discusses a fetus, much less coupling a device to a fetus. Furthermore, *Watabe* never identifies the problem of fetal hemorrhaging, which is solved by the Applicant's invention, and *Watabe* can hardly be said to solve a problem it does not even identify. Thus, *Watabe* does not teach, show or suggest the invention taught by the applicant. Accordingly, withdrawal of the rejection to claims 1-3, and 19 under 35 USC 102 based on *Watabe* is respectfully requested.

Claim 4 stands rejected under 35 USC 103 as being obvious in light of *Watabe*. As previously stated, *Watabe* teaches monitoring a vacuum in a silicon wafer processing system, and

it is improper to apply the teachings from the filed of silicon wafer processing to fetal extraction. Claim 1, from which claim 4 depends, has been amended to clarify the invention as discussed above. Thus, as previously pointed out, *Watabe* never discusses a fetus or coupling a device to a fetus, and *Watabe* never identifies the problem of fetal hemorrhaging, which is solved by the Applicant's invention. Accordingly, *Watabe* does not teach, show or suggest the invention taught by the applicant. Withdrawal of the rejection to claim 3, under 35 USC 103 based on *Watabe* is respectfully requested.

Claim 5 as being obvious in light of *Watabe* in combination with *Kouketsu. Watabe* has previously been characterized. *Kouketsu* teaches monitoring a vacuum in a silicon wafer processing system. Claim 1, from which claim 5 depends, has been amended as discussed above. This clarification clears any confusion between a vacuum maintained in a vacuum chamber used to process silicon wafers as taught by *Watabe* and *Kouketsu*, and the very different field of monitoring a vacuum maintained in the fetal-coupled devices of the Applicant. In addition, neither *Watabe* nor *Kouketsu* ever discuss a fetus, much less coupling a device to a fetus. Furthermore, like *Watabe, Kouketsu* never identifies the problem of fetal hemorrhaging, which is solved by the Applicant's invention. Even furthermore, even if one should combine *Watabe* and *Kouketsu*, one would obtain a specialized vacuum monitoring system for silicon wafer processing which would be absolutely incompatible with fetal delivery. Thus, neither *Watabe* nor *Kouketsu*, alone or in combination, teaches, shows or suggests the invention taught by the applicant. Accordingly, withdrawal of the rejection to claim 5 under 35 USC 103 based on *Watabe* in combination with *Kouketsu* is respectfully requested.

Claim 6 as being obvious in light of *Watabe* in combination with *Oda, et al (Oda). Watabe* has previously been characterized. *Oda* teaches monitoring a vacuum in a silicon wafer processing system. Claim 1, from which claim 6 depends, has been amended as discussed above. This amendment clears any confusion between a vacuum maintained in a vacuum chamber used to process silicon wafers as taught by *Watabe* and *Oda*, and the very different field of monitoring a vacuum maintained in the fetal-coupled devices of the Applicant. In addition, neither *Watabe*

nor *Oda* ever discuss a fetus, much less coupling a device to a fetus. Furthermore, like *Watabe, Oda* never identifies the problem of fetal hemorrhaging, which is solved by the Applicant's invention. Even furthermore, should one combine *Watabe* and *Oda*, one would obtain a specialized vacuum monitoring system for silicon wafer processing which would be absolutely incompatible with fetal delivery. Accordingly, withdrawal of the rejection to claim 6 under 35 USC 103 based on *Watabe* in combination with *Oda* is respectfully requested.

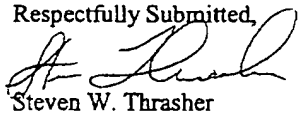
Claims 20 and 21 are rejected as being obvious in light of *Watabe* in combination with *www.mitivac.com*. *Watabe* has previously been characterized. *www.mitivac.com* shows an electric hand-held vacuum pump. Claims 20 and 21 have been amended to clarify the invention by more clearly calling out the use of an electric pump, which depend upon the now amended claim 19, which defines a vacuum device coupled to a fetus, as discussed in the specification on, for example, page 7, lines 10-16.

The amended claim 19 is distinguished from a vacuum maintained in a vacuum chamber used to process silicon wafers as taught by *Watabe*, the vacuums of *www.mitivac.com*, and the very different field of monitoring a vacuum maintained in a fetal couple-able devices of the Applicant. In fact, the field of silicon wafer processing (which use very large, stationary, micro-pumps) is so different from the filed of hand-held vacuum pumps (which produce insufficient vacuum pressures for silicon wafer processing), that it is improper to combine *Watabe* with *www.mitivac.com*. In addition, neither *Watabe* nor *www.mitivac.com* ever discusses a fetus, much less coupling a device to a fetus, or suggest that such a combination should be made to monitor fetal extraction pressures. Thus, there is no motivation to combine *Watabe* with *www.mitivac.com*. Furthermore, like *Watabe, www.mitivac.com* never identifies the problem of fetal hemorrhaging, which is solved by the Applicant's invention. Even furthermore, should one combine *Watabe* and *www.mitivac.com*, one would obtain a (very odd) specialized vacuum monitoring system for silicon wafer processing which would be absolutely incompatible with fetal delivery. Accordingly, withdrawal of the rejection to claims 20 and 21 under 35 USC 103 based on *Watabe* in combination with *www.mitivac.com* is respectfully requested.

Other references made of record but not relied upon the in the Office Action are considered no more relevant to the invention than the reference relied upon by the Examiner.

In summary, claims 16-18 stand restricted without traverse, and claims 1, 7, and 19-21 have been amended. It is now believed that claims 1, 7 and 19, and those that depend therefrom, are now in condition for allowance and allowance of the same is requested. In addition, since independent claims 1, 7 and 19 are now in condition for allowance it is noted that each dependent claim is also in condition for allowance, and thus allowance of each dependent claim is also requested. Thus, it is believed that pending Claims 1-15, and 19-21 are allowable, and allowance of said claims is respectfully requested. If the Examiner has any other matters which remain, the Examiner is encouraged to contact the under signed attorney to resolve these matters by Examiners Amendment where possible.

Respectfully Submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please amend claims 1, 7, and 19 -- 21 as indicated.

1. (Amended) A method of using a recording device [for recording] that records a pressure in a vacuum device, the vacuum device enabled to couple to a fetus, comprising:

detecting a pressure in the vacuum device, the vacuum device enabled to couple to a fetus;

recording the pressure in the vacuum device; and

storing a record of the pressure [in the vacuum device].

7. (Amended) A method of using a recording device [for recording] to record a pressure in a vacuum device, the vacuum device enabled to couple to a fetus, comprising:

[applying a suction device to a fetus;]

placing the vacuum device on a fetus, the space between the fetus and the vacuum device having a pressure;

initiating a vacuum pressure in the suction device;

detecting the vacuum pressure in the suction device; and

automatically recording the vacuum pressure in the suction device.

19. (Amended) A method of using a recording device to record a pressure in a vacuum device, the vacuum device enabled to couple to a fetus, comprising:

coupling the recording device to the vacuum device, the vacuum device enabled to couple to a fetus; and

recording the pressure so that a record may be produced therefrom.

20. (Amended) The method of claim 19 wherein the vacuum device comprises [a MITYVAC] an electric pump.

21. (Amended) The method of claim 19 wherein the vacuum device comprises a disposable [MITYVAC] electric pump.